

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ALVINO L. MENDOZA, JR. §
VS. § CIVIL ACTION NO. 1:15cv86
MAJOR W. WORTHY, ET AL. §

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Alvino L. Mendoza, proceeding *pro se*, filed the above-styled civil rights action. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court.

The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The Magistrate Judge recommends the case be dismissed without prejudice as moot.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in light of the record and the applicable law. After careful consideration, the court is of the opinion the objections are without merit. Plaintiff asks the court to enter an injunction directing that he be transferred to another prison unit. Based on the authorities cited by the Magistrate Judge, plaintiff's transfer to another prison unit after the filing of this lawsuit renders his complaint moot.¹

¹ In his objections, plaintiff also complained of an improper prison disciplinary conviction. Plaintiff's allegations regarding his disciplinary conviction have been severed from this lawsuit and will proceed as a separate action.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** as the opinion of the court. A final judgment shall be entered in accordance with the recommendation of the Magistrate Judge.

So **ORDERED** and **SIGNED** this **28** day of **April, 2016**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge